

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

May 7, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, May 7, 2015 at 1:35 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair; Carol Neugent, Vice Chair; John Dailey; David Dennis; David Foster; Joe Johnson; John McKay Jr.; M.S. Mitchell; Bill Ramsey; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Bill Johnson and Don Klausmeyer were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the March 19 meeting minutes.

MOTION: To approve the March 19, 2015 MAPC minutes.

WARREN moved, **DENNIS** seconded the motion, and it carried (8-0-4). **GOOLSBY, J. JOHNSON, MITCHELL** and **RAMSEY** – Abstained.

Approval of the April 2, 2015 meeting minutes.

MOTION: To approve the April 2, 2015 MAPC minutes.

WARREN moved, **J. JOHNSON** seconded the motion, and it carried (10-0-2). **DENNIS** and **MITCHELL** – Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00022: Final Plat – SIENA LAKES ADDITION**, located on the south side of 37th Street North, west of Hoover.

NOTE: This is an unplatted site in the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of sanitary sewer (laterals) to serve all lots. In-lieu-of-assessment fees for sewer mains are needed. The applicant shall extend water (distribution) to serve all lots. In-lieu-of-assessment-fees for water transmission are needed.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.

- D. Traffic Engineering has approved the access controls. The plat proposes one street opening along 37th Street North.
- E. The Applicant shall guarantee the paving of the proposed internal streets. The guarantee shall also provide for sidewalks. The applicant proposes an alternate sidewalk plan located within the reserves which will be provided to City Public Works with the street plans. All public sidewalks shall be included within the paving petition.
- F. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- G. City Fire Department requests 38-foot paved radius cul-de-sacs on Siena Lakes Circle and Venice Court, which need shown on the final plat as a 40-foot right-of-way radius. The Subdivision Committee approved the plat with a 40-ft right-of-way radius required per the Fire Department.
- H. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for public sidewalk purposes, the required covenant, which provides for ownership and maintenance of the reserves, shall establish that the homeowners' association shall maintain the sidewalk system planned for construction outside of the street right-of-way. This covenant shall grant to the City the authority to maintain the sidewalks outside of street right-of-way in the same manner as if they were in street right-of-way in the event the owners fail to do so.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- M. The plat includes Lakeway Court, a street with a hammerhead turnaround which exceeds the maximum length of 150 feet per the Subdivision Regulations. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- N. GIS has approved the street names.
- O. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. The Subdivision Committee approved the preliminary plat with the exception of the utility easements and advised the applicant to work with Westar Energy to resolve this issue. Westar Energy advises that at the previous Subdivision Meeting, the preliminary plat showed some easements that were front-lot 15-foot drainage and utility easements which are shown on the final plat as 15-foot drainage,

sidewalk and utility easements. If sidewalks are constructed in the narrow street then a guarantee is needed that Westar facilities are put in before any others to confirm room is available. Heide Bryan, the developer representative is the contact for this plat (316-261-6554). She contacted the agent about these easements and was advised this may not be a problem. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

X. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, RAMSEY seconded the motion, and it carried (12-0).

2-2. **SUB2015-00004: Final Plat – SUPERIOR SELF STORAGE ADDITION**, located west of Hoover Road, North of 21st Street North.

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water facilities. A memorandum shall be obtained specifying approval.
- B. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer, water and paving of 23rd Street North.
- C. City Stormwater Management has approved the drainage plan.
- D. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- E. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and

owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- F. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- G. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- I. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Westar Energy advises that Becky Thompson is the Area Construction Service Representative filling in until Marsha Jesse's replacement is in place. She can be reached at 316-261-6320. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- N. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (12-0).

2-3. SUB2015-00009: One-Step Final Plat – FARMERS OIL ADDITION, located on the east side of Broadway, South of 117th Street North.

NOTE: This is unplatted property located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. The applicant requests a zone change (ZON2015-00016) from RR Rural Residential to LI Limited Industrial.

STAFF COMMENTS:

- A. Since sanitary sewer is not available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. The site is currently located within the Harvey County Rural Water District No. 1. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. County Public Works has approved the drainage plan. A drainage reserve will be needed. Any development over one acre requires a Notice of Intent and stormwater permit prior to development.
- D. For those reserves being platted for drainage purposes, a covenant is needed that provides for ownership and maintenance of the reserves, which shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- E. County Surveying requests to be contacted regarding Parcel 1 legal description.
- F. Access controls need to be platted. County Public Works approval is needed for the two existing openings prior to development. Dimensions are needed for access controls. Access control needs to be noted in the platting text.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The Applicant is advised that if platted, the building setbacks must 85 feet from the centerline of perimeter streets to conform with the Zoning setback standard for County section line roads.

- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy requests additional easements. Tracy Wood in the Newton Serving office will be the contact for this plat and she can be reached at 316-284-5709. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (12-0).

2-4. SUB2015-00012: One-Step Final Plat – FALCON FALLS 6TH ADDITION, located on the north side of 45th Street North, on the west side of Hillside.

NOTE: This is a replat of the Falcon Falls 5th Addition which increases the residential lots from 29 to 42 lots. The property is zoned TF-3 Two-Family Residential and LC Limited Commercial (Lot 43, Block A).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water is under construction. Revised petitions for sewer, water and paving are requested that reflect the new lot count.
- B. City Stormwater Management has approved the drainage plan.
- C. Traffic Engineering has approved the access controls. The plat proposes one street opening along both Hillside and 45th Street North and one access opening along 45th Street North.
- D. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- E. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- F. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, a restrictive covenant shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- G. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially

engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- H. The Applicant has platted a 15-foot rear setback for Lot 2, Block A and a 10-foot rear setback for Lot 1, Block A which represents an adjustment of the Zoning Code standard of 20 feet for the TF-3 Two-Family District. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- I. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lots 31, 33-38, 41, 42, Block A. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- J. The platting shall be revised to reference "Lots, a block, streets and a reserve".
- K. The City Council certification needs to be revised to reference Jeff Longwell, Mayor.
- L. County Surveying advises the benchmark descriptions need to be revised to describe the location relative to this plat.
- M. County Surveying advises the dimension on the north line of Lot 24, Block A of 66.03 feet needs corrected.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Westar Energy advises that Heide Bryan is the Developer Representative and can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (12-0).

2-5. SUB2015-00014: One-Step Final Plat – WASINGER ADDITION, located on the west side of Webb Road, South of Harry.

NOTE: The applicant requests a zone change (ZON2015-00017) from SF-5 Single-Family Residential to LC Limited Commercial.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve the site.

- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Access controls need to be denoted on the face of the plat. Traffic Engineering has approved one opening as shown on the site plan.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- G. County Surveying advises the legal description will need to match the deed as shown on the title work.
- H. County Surveying advises the exception for the east 60 feet from the legal description will need to show the recording data or it should be removed from the legal description.
- I. County Surveying advises the recording data will need to be shown for the easement along the west line.
- J. County Surveying advises all the monuments along the plat boundary will need to be shown as set or found, including the monument symbols at the corners of the plat boundary.
- K. County Surveying advises measured and described distances should be shown.
- L. County Surveying advises the label for 630 feet north of the north half of the southeast corner of the section needs corrected to include “of the northeast quarter”.
- M. County Surveying advises the label for the southeast corner of the north half of the section needs corrected to include “of the northeast quarter”.
- N. The Notary Certificate for J. Larry Fugate should reference “Trustee”.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- R. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- T. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Westar Energy advises that LaDonna Vanderford is the Area Construction Services Rep for this plat and can be reached at 316-261-6490. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- Y. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (12-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2015-00010: City request to vacate a portion of a platted front setbacks on properties, generally located west of the Big Ditch, south of Central Avenue and west of the Wayside Lane intersections of Newell Street and Frazier Avenue.

APPLICANT/AGENT: BATC LLC (owner) Armstrong Land Survey, PA, c/o Don Armstrong (agent)

LEGAL DESCRIPTION: Generally described as the inside 5 feet of the platted 30-foot front yard setback of Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of the Big Ditch, south of Central Avenue and west of the Wayside Lane intersections of Newell Street and Frazier Avenue (WCC #V)

REASON FOR REQUEST: More room to build

CURRENT ZONING: Subject property is zoned TF-3 Two-Family Residential. Abutting west and adjacent south properties are zoned SF-5 Single-Family Residential. Adjacent north property is zoned LC Limited Commercial. Adjacent east property is zoned MF-18 Multi-Family Residential.

The applicant proposes to vacate the inside 5 feet of the platted 30-foot front yard setback on Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition. All of the subject lots are zoned TF-3 Two-Family Residential; ZON2014-00033. The Unified Zoning Code's (UZC) minimum front yard setback standard for the TF-3 zoning district is 25 feet. If the setbacks were not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. The applicant's request does not exceed what is permitted by an Administrative Adjustment. There are no platted easements in the described portion of the platted front yard setback. There appears to be no public utilities within the described portion of the platted front yard setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The County Acres 6th Addition was recorded with the Register of Deeds February 8, 1960.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted front setbacks on multiple lots.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 16, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted front setbacks and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the inside 5 feet of the platted 30-foot front yard setback on Lots, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the inside 5 feet of the platted 30-foot front yard setback on Lots, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of

County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (12-0).

3-2. VAC2015-00011: City request to vacate a platted utility easement on property,
generally located on the east side of Hydraulic Avenue and north of Central Avenue.

OWNER/AGENT: Tim McGinty (owner) Bill Johnson (agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 404.72-foot long (x) 20-foot wide utility easement running parallel to the east property line of Lots 1, 2 and 3, McGinty Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of Hydraulic Avenue and north of Central Avenue (WCC #I)

REASON FOR REQUEST: No utilities

CURRENT ZONING: The site and the abutting and adjacent, northern and western properties are zoned LI Limited Industrial. Abutting southern properties are zoned GC General Commercial. Railroad right-of-way separate the site from the adjacent eastern B Multi-Family Residential zoned properties.

The applicants propose to vacate the platted 404.72-foot long (x) 20-foot wide utility easement running parallel to the east property line of Lots 1, 2 and 3, McGinty Addition. There is no extension of the platted easement onto the abutting south and north properties. There appears to be no public utilities in the subject easement, with perhaps the exception of where it intersects with a platted east-west easement (located along the south property line of Lot 3, McGinty Addition) where a sewer line and a manhole are located. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The McGinty Addition was recorded with the Register of Deeds August 12, 1983.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 16, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described platted utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (12-0).

-
- 3-3. VAC2015-00012: City request to vacate platted complete access control on property,** generally located southwest of Sheridan and Central Avenues and east of the intersection of Westridge Drive and Donna Avenue.

APPLICANT/AGENT: Michael Joel Mast (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating the platted complete access control to permit a drive onto Donna Avenue off of the west side of Lot 3, Galyardts 7th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located southwest of Sheridan and Central Avenues and east of the intersection of Westridge Drive and Donna Avenue (WCC VI)

REASON FOR REQUEST: To allow a drive onto Donna Avenue

CURRENT ZONING: The site is zoned MF-29 Multi-Family Residential. Abutting north and east properties are zoned NR Neighborhood Retail, LC Limited Commercial and SF-5 Single-Family Residential. Abutting south and west properties are zoned and TF-3 Two-Family Residential and B Multi-Family Residential.

The applicant proposes to vacate a portion of the platted complete access control to permit a drive onto Donna Avenue off of the west side of Lot 3, Galyardts 7th Addition. Donna Avenue is a short, sand and gravel residential street that ends in a hammerhead on the applicant's MF-29 Multi-Family Residential zoned site, Lot 3, Galyardts 7th Addition. As platted the undeveloped subject site is allowed access only onto Central Avenue, via a platted 30-foot wide (x) 145-foot long joint access easement located on its

north end going between Lots 1 and 2, Galyardts 7th Addition. The platted joint access easement provides the site with direct access to the arterial street Central Avenue, thus providing compliance with the locational criteria of multi-family residential having direct access to arterial roads. The request would allow access onto the residential street, Donna Avenue. There is a sewer line, a manhole, a water line and water valve located in Donna Avenue in the area of the vacation. The Galyardts 7th Addition was recorded with the Register of Deeds January 11, 1980.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 16, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Per the approval of the Traffic Engineer, vacate the platted complete access control to allow one drive onto Donna Avenue from Lot 3, Galyardts 7th Addition.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2015-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide Planning Staff with a restrictive covenant, with original signatures, limiting development on the site to single-family residential. This must be provided prior to VAC2015-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (5) Agree to a no protest petition in regards to future improvements to Donna Avenue.

- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate the platted complete access control to allow one drive onto Donna Avenue from Lot 3, Galyardts 7th Addition.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2015-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide Planning Staff with a restrictive covenant, with original signatures, limiting development on the site to single-family residential. This must be provided prior to VAC2015-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (5) Agree to a no protest petition in regards to future improvements to Donna Avenue.
- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (12-0).

3-4. VAC2015-00014: City request to vacate the south half of the Mead Avenue public street right-of-way, generally located between Barwise and Mosley Avenues and north of 13th Street North.

APPLICANT: Cargill Incorporated, c/o Jim Reiff (applicant) Baughman Company, PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating the south approximately 730-feet of the 60-foot wide Mead Avenue public street right-of-way, between 13th Street North (south end) and the south sides of Lot 2, Glaze Addition and Reserve A, Glaze and Jocelyn's Second Addition (north end), Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between Barwise and Mosley Avenues and north of 13th Street North (WCC #VI)

REASON FOR REQUEST: Applicant owns all abutting properties and wants to control traffic to these properties

CURRENT ZONING: The sites are public street right-of-ways. All abutting and adjacent properties are zoned LI Limited Industrial

The applicants propose to vacate the south approximately 730-feet of the 60-foot wide, two-lane Mead Avenue public street right-of-way, located between 13th Street North (south end) and the south sides of Lot 2, Glaze Addition and Reserve A, Glaze and Jocelyn's Second Addition (north end). This portion of Mead Avenue is a sand and gravel road with a private railroad spur (track) located in the right-of-way. This portion of Mead Avenue connects 13th Street North to 15th Street North. 13th Street North is a paved, four-lane arterial. 15th Street North is a paved two-lane local street that dead-ends as a hammerhead against (two-blocks west) railroad tracks and the elevated railroad tracks. The applicant owns all of the abutting properties. The proposed vacation does not deny access to public streets for any abutting or adjacent properties. There appears to be a sewer line, a manhole, stormwater equipment and Westar equipment located in the described right-of-way. This portion of Mead Avenue was referenced as Glaze Avenue on the Parmenters 2nd Addition (recorded December 10, 1886), but referred to as Mead Avenue on the Mills Second Addition (recorded March 3, 1911).

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted Mead Avenue street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 16, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of platted street right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Dedicate any needed easements for utilities. These original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds. Approval of plans by franchised utilities must be provided to staff prior to the case going to City Council for final action.
- (3) Provide access, as needed and approved, for utilities, Fire and Police to the vacated portion of Mead Avenue, in the form of a dedication of emergency access by separate instrument. Provide gates on both ends of the vacated right-of-way that can be accessed by utilities, Fire, Police and other EMS vehicles. The original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Provide Planning with Stormwater approval for the stormwater equipment being a private system.
- (6) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Dedicate any needed easements for utilities. These original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds. Approval of plans by franchised utilities must be provided to staff prior to the case going to City Council for final action.
- (3) Provide access, as needed and approved, for utilities, Fire and Police to the vacated portion of Mead Avenue, in the form of a dedication of emergency access by separate instrument. Provide gates on both ends of the vacated right-of-way that can be accessed by utilities, Fire, Police and other EMS vehicles. The original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Provide Planning with Stormwater approval for the stormwater equipment being a private system.
- (6) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (12-0).

PUBLIC HEARINGS

4. **Case No.: ZON2015-00016** – Farmer’s Oil Inc. (Owner); Chad Abbott (Agent) Abbott Land Survey request a County request for rezoning from RR Rural Residential to LI Limited Industrial on property described as:

Parcel 1:

A tract of ground in the Northwest Quarter of Section 9, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence Northerly along the West line of said Northwest Quarter, with an assumed bearing of N 00°00'08" W, a distance of 315.00 feet; thence Easterly, parallel with the South line of said Northwest Quarter, S 89°43'54" E, a distance of 60.00 feet to the point of beginning; thence N 00°00'08" W, a distance of 315.00 feet; thence S 89°43'54" E, a distance of 1,257.09 feet; thence S 00°00'03" E, a distance of 315.00 feet; thence N 89°43'54" W, a distance of 1,257.08 feet to the point of beginning; EXCEPT that portion condemned for roadway in Condemnation Case No. 92066; AND EXCEPT that portion platted as Castleberry Addition, an Addition to Sedgwick County, Kansas.

Parcel 2:

Beginning at a point 157.5 feet North of the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 9, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence East 630 feet; thence North 157.5 feet; thence West 630 feet; thence South 157.5 feet to the point of beginning; EXCEPT that portion condemned for roadway in Condemnation Case No. 92066.

BACKGROUND: The applicant is requesting 11.15 acres in the unincorporated area of Sedgwick County zoned RR Rural Residential be re-zoned to LI Limited Industrial. The Sedgwick County Appraiser’s records indicate that the facility was built in 1965 and has had a non-conforming use since that time. There is an existing metal building on the subject site that and the owner intends to construct a 50 X 120-foot addition and a covered pad for minor equipment maintenance.

The site is located approximately 2800 feet north of 109th Street North on the east side of North Broadway. The parcel immediately north of the subject site is zoned LI and is used for recycling of wood pallets. All other properties surrounding the subject site are zoned RR and are used for agriculture.

CASE HISTORY: The subject site was the location of Ditch Witch and has recently been acquired by Farmer’s Oil Inc. The owner has submitted a One-Step Final Plat application SUB2015-00009.

ADJACENT ZONING AND LAND USE:

NORTH: LI, RR Industrial use, Recycling of wood pallets; agricultural, unimproved
SOUTH: RR Agricultural, unimproved
WEST: RR Agricultural, unimproved
EAST: RR Agricultural, unimproved

PUBLIC SERVICES: North Broadway is a four-lane arterial street at this location. East 109th Street North is designated an arterial, but is currently a two-lane gravel road, is located south of the subject site. East 117th Street North is a designated arterial, but is currently a two-lane gravel road, is located north of the subject site. The property has a lagoon and water well.

CONFORMANCE TO PLANS/POLICIES: The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as “urban development mix.” Urban Development Mix: This category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the Urban Residential Use category. The site’s requested TF-3 zoning is compatible with the Plan’s urban residential category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to platting within one year.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The area is zoned predominately RR on the east and west sides of N. Broadway between E. 109th Street N. and E. 117th Street N., with the exception of the LI zoned parcel immediately north of the subject site. The subject site has had a non-conforming industrial use since at least 1965. Other than the industrial use immediately north of the site, the surrounding RR agricultural use for pasture and cash crops.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The change of zoning to LI would remove the non-conforming use and would not affect the surrounding agricultural uses. The zone change would eliminate and residential uses.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The non-conforming LI use has not generated any complaints from the surrounding property owners and the Planning Department has not received any calls regarding the zone change.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to manufacturing and industrial uses. No residential uses would be allowed on this site. Denial of the request could impose a financial hardship on the owner because the non-conformity prevents the full use of the site.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the subject site as Rural Functional Land Use to promote agribusiness and large lot development.
- (6) **Impact of the proposed development on community facilities:** The site is served by a lagoon and water well. Any increased demand can be handled by enlarging the current capacity of the lagoon and water well as the site is over 11 acres.

KATHY MORGAN, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (12-0).

5. **Case No.: CON2015-00014** - Kindel Investments, LLC (applicant/owner) request a City Conditional Use request to allow alcohol sales within 300 feet of a park (Naftzger Park) on property described as:

The East 37.5 feet of lots 2, 4, 6, 8 and 10 together with a 5.3 feet strip of land adjoining said lots to the East, on Fifth Street, now Santa Fe Avenue, J.R. Mead's Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The Central Business District (CBD) zoned site is located in a vacant three-story building (built 1922) located on the north side of Douglas Avenue, east of St Francis and west of a raised railroad track. The applicants propose to establish an on-site microbrewery and tavern/drinking establishment. A microbrewery is permitted by right in the CBD zoning district. When a tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Coode (UZC), Sec.III-D6.w. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site.

The area to the north, west and south of the site is zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks south of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The national and state registered historic five story, brick Eaton Apartments is located southwest of the site across Douglas Avenue. Most buildings in the immediate area are similar to the site's building; one to three stories, mostly brick buildings, built from 1902-1930. The buildings located closest to the site contain, but are not limited to, a coffee shop, several restaurants, apartments, retail, office, and legal office. There is at least one building with a street level vacancy. A building located 235 feet west of the site appears to be undergoing some remodeling, but it had been the Blue Lounge tavern/drinking establishment/nightclub and may still be occupied by (John Barleycorns) a tavern/drinking establishment/nightclub. The applicant's request would not introduce a new use into the immediate area. The site is located west of the Old Town Overlay District (OT-O), separated by a raised railroad tracks and the sand and gravel Santa Fe Avenue. The OT-O district is a unique planned entertainment area containing restaurants, nightclubs, a multi-screen movie theater, hotels, apartments and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places the applicants requested on-site microbrewery and tavern close to similar venues.

CASE HISTORY: The site is located on Lots 2, 4, 6, 8 and 10, JR Meads Addition, which was recorded with the Register of Deeds September 9, 1870. The site also includes a portion of vacated Santa Fa Avenue; VAC2014-00051.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Parking lots, warehouse-office
SOUTH:	CBD	Public park, parking lot, vacant building, apartments, sports arena, arts district

EAST:	LI, OT-O	Retail, nightclubs, hotels, restaurants, parking lots, retail, multi-screen movie theater, apartments
WEST:	CBD	Coffee shop, restaurants, office, law office, retail, tavern, drinking establishment or nightclub

PUBLIC SERVICES: The site has access off of the sand and gravel Santa Fa Avenue, a local street at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the ‘Downtown Regional Center’ designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building. There is no minimum parking requirement for the CBD zoning district.

The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site, thus the Conditional Use request.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a microbrewery with a tavern/drinking establishment/nightclub be **APPROVED**, with the following conditions:

- (1) The site will developed with an approved revised site plan, showing, but not limited to, any outdoor extension of the indoor venue and public access from Santa Fa Avenue to Douglas Avenue, as required on vacation case VAC2014-00051. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site and the area to the north, west and south of the site is zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks south of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The national and state registered historic five story, brick Eaton Apartments is located

southwest of the site across Douglas Avenue. Most buildings in the immediate area are similar to the site's building; one to three stories, mostly brick buildings, built from 1902-1930. The buildings located closest to the site contain, but are not limited to, a coffee shop, several restaurants, apartments, retail, office, and legal office. There is at least one building with a street level vacancy. A building located 235 feet west of the site appears to be undergoing some remodeling, but it had been the Blue Lounge tavern/drinking establishment/nightclub and may still be occupied by (John Barleycorns) a tavern/drinking establishment/nightclub. The applicant's request would not introduce a new use into the immediate area. The site is located west of the Old Town Overlay District (OT-O), separated by a raised railroad tracks and the sand and gravel Santa Fe Avenue. The OT-O district is a unique planned entertainment area containing restaurants, a microbrewery, nightclubs, a multi-screen movie theater, hotels and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places the applicants requested on-site microbrewery and tavern close to similar venues.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the CBD, which is meant to accommodate a mix of residential, retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. Approval of a Conditional Use would permit the site to become a microbrewery with a tavern/drinking establishment/nightclub. The request does not introduce a new use to the area, as there is or was a tavern/drinking establishment/nightclub located approximately 235 feet west of the site, as well as other tavern/drinking establishment/nightclub located in this area. The site could continue to be used as permitted by right, such as a microbrewery, in the CBD zoning district.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of the nightclub having a detrimental impact on the neighborhood. The site is located within the City's core high energy entertainment area, where similar development already exists. Denial of the request could have a negative financial impact on the applicants.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the 'Downtown Regional Center' designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building.

The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Naftzger Public Park is located approximately 190 feet southwest, across Douglas Avenue, of the site, thus the Conditional Use request.

- (5) **Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (12-0).

MCKAY recused himself from the item.

6. **Case No.: PUD2015-00003** - Sisters of St. Joseph (Sr. Pam young)/Baughman Company, P.A. (Russ Ewy) and Congregation of St. Joseph (Edward Sutoris) request a City zone change request to consolidate the zoning on the subject property and to permit the expansion of the principle use on property described as:

The Southeast Quarter of the Northwest Quarter of Section 26, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that portion platted as Longview Terrace, an Addition to Wichita, Kansas, Sedgwick County, Kansas, and except that portion platted as Brown - Jennings Replat of part of Longview Terrace Addition to Wichita, Kansas, Sedgwick County, Kansas, and except that part dedicated for street purposes in Book Misc. 342, Page 576, together with that portion of vacated Bluff Street and Lincoln Street adjoining subject property evidenced by the Vacation Order filed on Doc#/FLM-PG: 28952460; TOGETHER WITH a tract described as Commencing 285 feet East of the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 26, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 662 feet; thence East 1040 feet; thence North 662 feet; thence West 1040 feet to the place of beginning; except that part platted as Sisters of St. Joseph Second Addition to Wichita, Sedgwick County, Kansas; and except that part platted as Sisters of St. Joseph Fourth Addition to Wichita, Sedgwick County, Kansas; and except that part platted as Sisters of St. Joseph 6th Addition, Wichita, Sedgwick County, Kansas, together with that portion of vacated Bluff Street and Lincoln Street adjoining subject property evidenced by the Vacation Order filed on Doc#/FLM-PG: 28952460; TOGETHER WITH Lot 1, Block 1, Sisters of St. Joseph Second Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH Lot 1, Block A, Sisters of St. Joseph Fourth Addition to Wichita, Sedgwick County, Kansas;

TOGETHER WITH Lot 1, Block A and Reserve A, Sisters of St. Joseph 5th Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH Lots 1 and 2, Block A, Sisters of St. Joseph 6th Addition, Wichita, Sedgwick County, Kansas;

TOGETHER WITH The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 26, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, except the West 30 feet thereof and except the South 30 feet thereof dedicated for street; and except that part platted as Sisters of St. Joseph 5th Addition, Wichita, Sedgwick County,

Kansas; TOGETHER WITH a tract of land in the Southeast Quarter of Section 26, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas more particularly described as follows: That part of vacated odd Lots 1 through 47, inclusive, on vacated Fees Avenue, together with those parts of said vacated Fees Avenue, vacated Henry Street, and vacated Lincoln Street, all in vacated Duffs Subdivision of Lot 4 in Duffs Subdivision of the SE ¼ of Sec. 26, Twp. 27-S, R1E lying west of and abutting a line 160.00 feet normally distant east of and parallel with the west line of the SE ¼ of said Sec. 26, together with that portion of vacated Bluff Street and Lincoln Street adjoining subject property evidenced by the Vacation Order filed on Doc#/FLM-PG: 28952460.

BACKGROUND: The application area is generally located south of East Morris Street, east of South Clifton Avenue and South Roosevelt Avenue, north of East Bayley Street and East Zimmerly Street and west of Bluffview Drive and Bluff Avenue (one-half mile north of East Harry Street and one-quarter mile east of South Hillside Avenue). The application area is currently zoned B Multi-Family Residential (B), Two-Family Residential (TF-3), General Office (GO) and General Commercial (GC), and is developed with facilities associated with the Sisters of St. Joseph religious order, such as: chapel, group living quarters, cemetery helipad, and offices. It is believed the first structures located on the site were built circa 1915 and the site has been used by the Sisters of St. Joseph from the beginning. The site contains 49.3 acres, some of which is platted.

The applicant is requesting a zone change to the Planned Unit Development (PUD) #45 which would permit the following uses on Parcel 1: Single-family, two-family, multi-family, general group residence, assisted living, nursing facility, church/place of worship, community assembly, general day care, hospital, medical service, general office, heliport, second hand store as an accessory use to a church/place of worship, vocational school, private cemetery, mausoleum or columbarium, retail sales limited to the sale of products principally produced on-site, sales of religious merchandise accessory to the church/place of worship, and other uses customarily associated with a religious institution. The proposed PUD has only one parcel.

The applicant is proposing the following development standards: 1) a total gross floor area of 751,628 square feet (35 percent). 2) Parking per code except parking for multi-family use shall be one space per unit, group residence one space per bedroom and non-residential uses at one space per 500 square feet of building area. 3) Setbacks vary from 35 feet to 20 feet. 4) A drainage plan shall be submitted for review and approval and guarantees shall be provided at the time of platting. 5) Sign standards are to be per the GO district of the Sign Code except that individual signs may be up to 100 square feet. No LED, billboard or off-site signs shall be permitted. 6) Uses are as described in the preceding paragraph. 7) Access shall be as platted or as indicated on the PUD. 8) Landscaping shall be per Unified Zoning Code for institutional uses (Article IV, Section IV-B.3.d(2)). Existing landscaping shall be considered to count towards the interior side and rear yard screening requirements. Screening around the perimeter shall not be required.

Surrounding properties are principally zoned Two-Family Residential (TF-3). Land to the east is also zoned B Multi-Family Residential (B). Most of the surrounding properties are developed with single-family homes, however, some may be two-family. Land to the east of Bluffview Drive is also a park.

CASE HISTORY: Case number ZON2002-00008 granted B zoning. SUB2002-00054 was the Sisters of St. Joseph 5th Addition. ZON2004-00008 granted GO zoning and was perfected by SUB2004-00030, the Sisters of St. Joseph 6th Addition.

ADJACENT ZONING AND LAND USE:

North: TF-3; single-family residential
South: TF-3; single-family residential
East: TF-3 and B; single-family residential, park
West: TF-3; single-family residential

PUBLIC SERVICES: The site is served by all the usual municipal services or they are available for extension. Comments concerning the following streets apply only to those portions of the streets that abut the application area. Roosevelt Avenue is a two-lane sand and gravel street with 60 feet of full right-of-way. East Bayley Street is a two-lane paved street with 60 feet of full right-of-way. East Zimmerly Street is a two-lane paved street with 60 feet of full right-of-way. East Zimmerly Street has not been installed for the segment located between South Bluff Avenue and Quentin Avenue. Bluffview Drive has 70 feet of full right-of-way and is permitted one driveway. South Clifton Avenue located south of Lincoln is a paved two-lane street with 60 feet of full right-of-way; north of Lincoln Street Clifton Avenue is a paved four-lane facility. The formal entrance to the existing site located where Lincoln Street and Clifton Avenue intersect. Other access points are located on Bluffview Drive, Zimmerly Street, Bayley Street and Lincoln Street/Bluff Avenue. Morris Street is a four-lane paved street with 60 feet of right-of-way. Bluff Avenue is also a four-lane paved street with 60 feet of right-of-way. Two citizens mentioned that the public streets bordering the application area probably needed resurfacing and that there should be a review of the area's drainage facilities.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts this site as appropriate for "major institutional." This category includes facilities of a significant size and scale or operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical treatment facilities.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved, subject to the following conditions:

1. Subject to platting the unplatted portions of the application area prior to the issuance of building permits.
2. Uses are those permitted by the approved PUD, and are subject to the development standards contained in the approved PUD.
3. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties are principally zoned Two-Family Residential (TF-3). Land to the east is also zoned B Multi-Family Residential (B). Most of the surrounding properties are developed with single-family homes,

however, some may be two-family. Land to the east of Bluffview Drive is also a park. The character of the larger area is a long established residential area containing a long established religious order's facilities.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned B Multi-Family Residential (B), Two-Family Residential (TF-3), General Office (GO) and General Commercial (GC), and currently is developed with facilities associated with the Sisters of St. Joseph religious order, such as: chapel, group living quarters, cemetery helipad, and offices. The site could continue to be used as currently zoned; however, the proposed PUD consolidates the site's four zoning districts into one zoning district, the PUD. The proposed PUD allows primarily for the expansion or improvement of existing uses and services provided by, or for, the Sisters. The proposed PUD is a more suitable zoning than the site's current four districts.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD should not detrimentally impact nearby property owners. The proposed restrictions and development standards are designed to provide compatible land uses on the application area and within the larger neighborhood. Essentially the proposed PUD does not significantly change or add new uses to the site but facilitates the delivery of improved or enhanced services to and by the Sisters.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will allow the applicant to enhance and expand the services provided to and by the Sisters.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts this site as appropriate for "major institutional." This category includes facilities of a significant size and scale or operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical treatment facilities.
6. Impact of the proposed development on community facilities: None identified.

DALE MILLER, Planning Staff presented the Staff Report. He indicated that most of the phone calls he received, due in part to the huge ownership list, were people who were concerned that somehow their own property was being rezoned or that their property was being pulled into some sort of improvement project where they would be assessed for roads, sanitary sewer and that type of thing. He added that some people thought this was an offer to buy their property. He said once he got those issues clarified, almost everyone he talked to wasn't concerned about the proposal.

RICHARDSON asked about access control in the southeast corner.

MILLER indicated that most of the property is platted; however, some of that was vacated. He said the primary entrance is off of Lincoln. He said there are other access locations including off of Bluffview in the southeast corner.

RICHARDSON clarified that in terms of access control the applicant is not proposing anything different other than what is there now.

MILLER said as far as access control, the proposed PUD is not changing what they currently have today or what the applicant is allowed to do. He said if the Planning Commission felt access control was needed to make the use work that could be added as a condition of approval.

DAILEY asked what happens if the property is sold.

MILLER said the use would still be restricted to only what is approved in the PUD.

RUSS EWY, BAUGHMAN COMPANY, 315 ELLIS, AGENT FOR THE APPLICANT said as far as access control is concerned, there is a hodgepodge of zoning and plats ranging from back in the 1950's. He said the campus has been established for over 100 years so the Planning Commission can imagine some of the antiquated easements, utilities service sites and infrastructure that serve the site. He briefly reviewed the site plan noting other access points, stand alone buildings utilized by Via Christi and other plots which he was not sure were platted with access controls. He said they envision no additional access points; however, he added that once the site gets replatted, that is when the access control points will be established. He said the PUD drawing will then be changed to reflect the new platted subdivision. He said communal living and multi-family residential would all be permitted. He said what they reported at last night's DAB meeting was that they were "gutting an old house" and bringing it up to standards.

RICHARDSON said the Staff Report refers to the unplatted portion, however, did he hear the agent saying that they plan on replatting the entire property.

EWY said he doesn't want to speak for staff but he believes technically staff was requiring the applicant to plat those portions of the property that were not platted. He said the applicant is going to voluntarily replat the entire 50 acre campus because they feel like drainage and utility infrastructure are all interrelated.

RICHARDSON asked would it be acceptable to the applicant if the approval was subject to replatting the entire property.

EWY said if the Planning Commission feels it is necessary to modify that condition the applicant is acceptable to that. He briefly pointed out the platted and unplatted portions (mostly the northern portion of the property) of the campus on the aerial map.

FOSTER mentioned a typographical error on provision #2 of the PUD regarding the number of parking spaces.

GARY BENOIT, 1102 SOUTH YALE said their big concern is the access point off of East Zimmerly at the end of the block. He said Zimmerly runs east and west and they have horrible issues with traffic going between their neighborhood and the old hilltop manor area. He said they have major issues with gangs and drugs coming through there. He said the gate is capable of closing and it was the neighbors

understanding that it was supposed to be closed except for medical emergencies. He said there is also a bridge at the creek and there is a lot of foot traffic through there which is bad enough. He said if the gate was closed that would slow down a lot of traffic. He said they have contacted the City numerous times to try to get speed bumps and stops signs put in to stop the non-stop traffic that “flies” through their neighborhood. He said this is a problem because they have children in the neighborhood.

EWY said during the platting phase they would be more than happy to look at that for the neighborhood. He said they received a number of calls regarding paving petitions in the neighborhood because there are some unimproved streets. He said they feel like that is an existing use not impacted by this particular zone change applicant, once they move on to the platting phase they will be able to take a look at that and see what they are able to do. He said they will need to work with the tenant in that part of the development and see what they can do about managing access out onto Zimmerly. He explained that the Sisters own the property but do lease some areas out.

DENNIS asked when the property would be platted.

EWY said several different time lines were discussed including filing the plat within the next one or two filing deadlines.

DENNIS asked that the neighbor who spoke today be notified of the platting hearing.

EWY said they have no problem notifying them.

NEUGENT clarified that one of the areas already platted is the one the neighbors are asking be looked at in terms of access control. She wanted to verify that under the current staff recommendation, if the applicant/agent changed their minds they would not be required to plat that portion.

EWY said that was correct.

RICHARDSON said he drove through the area yesterday and noted that the curved road from Bluffview has speed bumps. He said that road is being used as a shortcut to get east of the property.

GOOLSBY noted that a number of Commissioners were concerned about the controlled access issue along Zimmerly. He asked the agent if they were willing to do something more than just contacting the neighbors when the plat comes to Subdivision.

EWY replied that it was his opinion that it was premature to look at that right now. He said the areas where the concerns were noted have been recently platted. He said they are now dealing with the outcome of those designs. He said they will have to become more knowledgeable about the purpose of the gate along Zimmerly, and how it relates to Traffic Engineering comments when that portion was platted. He said he was not shirking the issue, but it was difficult to provide an answer at this stage of the game.

GOOLSBY asked the Commission if they wanted to make a recommendation that when the area is platted that existing areas also be replatted.

J. JOHNSON said he was going to make a **MOTION** that the whole site be platted.

DIRECTOR SCHLEGEL said he didn't see any reason that the Commission couldn't stipulate that under the zoning request. He said he did not believe there was anything in the UZC or Subdivision Regulations that would prevent that.

NEUGENT seconded the **MOTION**.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said he did not know of anything in the UZC or Subdivision Regulations that prohibits requiring the entire property to be replatted.

EWY said they are more than happy to replat; however, he said they have several development time lines including rehabilitation of the older portions of the mount to include new building construction over the next 18 months which is part of the medium to long range part of the PUD. He said an immediate need after the zoning is approved is allowing certain social organizations to come in and utilize portions of existing buildings for their public and social service outreach programs. He said they would like for the platted portions of the property to move forward as quickly as possible once the PUD is approved and becomes official which is once the zoning ordinance is published and that won't occur until the plat is recorded. He said they are in a pinch, not because they don't want to replat the entire property, but because they would like to have some people be able to utilize the areas that are already platted.

GOOLSBY commented that the agent/applicant is volunteering to plat the entire site but there is no guarantee.

WARREN asked what does requiring platting do to the PUD process and what is the time frame.

MILLER explained if the Planning Commission approved this PUD subject to replatting, the zoning will not be published until the plat is recorded.

J. JOHNSON clarified that it sounds like some of the uses the applicant wants require that the PUD be in place and if so, which portions.

EWY said that was correct and mentioned the bulk of the mount sits on TF-3 zoning that is grandfathered in and wouldn't be allowed to be used by a third party. He said there may be some offices associated with that use that are not permitted outright unless they are ancillary to the Sisters of St. Joseph themselves. He said those uses will all have to be in accordance with the modern UZC.

GOOLSBY suggested starting the platting process within six months.

DIRECTOR SCHLEGEL asked Commissioner Johnson what was his motivation in requiring that the entire property be replatted; was it to make sure the applicant addresses the access issues along Zimmerly?

J. JOHNSON responded yes.

There was considerable discussion concerning platting and replatting of the property; requirements for immediate development of portions of the property; having Traffic Engineering address the conditions along Zimmerly and the possibility of replatting the property in portions.

RICHARDSON said his concern was not what the Sisters were going to do with the property but what might happen if it is abandoned and there are no access controls on the whole parcel.

DIRECTOR SCHLEGEL clarified that the applicant/agent intended to replat the entire property in pieces and parts.

EWY said no they intend to plat the entire property all at once. He added that their time frame meets or exceeds 6 months because they intend to be building within one year.

PHIL MEYER, BAUGHMAN COMPANY, 315 ELLIS indicated they have been working on this for quite some time. He said originally they were going to have the plat already done because they want to start the remodeling development within 60 days and the property needs to be platted in order to pull building permits. He said if the Commission requires platting of the entire property as part of the zone change then they can't get the building permits until the platting is done. He said when they received the Staff Report that said they had to plat before pulling building permits, they slowed down the platting process. He said they will file a plat within the next 30-90 days.

GOOLSBY asked if they would be okay with the stipulation that they must replat the entire property within six months.

MEYER said yes, but that would keep them from pulling permits and that is their concern. He commented that the drive onto Zimmerly was a Fire Department requirement and they are not sure if they can get the gate closed because they do not know the history on it. He said Mennonite Housing operates the senior living facility. He said maybe they can work with the City and pull some conditional permits because they don't want to delay the services that are going to happen at the site. He said he also wanted to go on record to state that it is truly the sisters desire that this property serve the community for another 100 years. He said their intent is that this property always house charitable organizations that serve the community. He said they are not looking to sell the property to a developer.

DENNIS suggested approving the request subject to the staff recommendation with the provision that in the event any portion of the property is platted, that the entire property be platted.

J. JOHNSON withdrew his first motion, with the permission of the second **NEUGENT**.

MOTION: To approve subject to Staff recommendation with the provision that in the event any portion of the property is platted, that the entire property be platted.

J. JOHNSON moved, **NEUGENT** seconded the motion, and it carried (11-0-1).
MCKAY – Abstained.

NON-PUBLIC HEARING ITEMS

7. Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:20 p.m.

State of Kansas)
Sedgwick County) ^{SS}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2015.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)